

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:08cr180

UNITED STATES OF AMERICA

vs.

AURELIO COTA-MARQUEZ (3)

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ORDER

**THIS MATTER** is before the Court upon motions of the defendant pro se for a reduction of sentence based upon temporary, emergency amendments to the United States Sentencing Guidelines (USSG) promulgated in response to the Fair Sentencing Act of 2010. (Doc. Nos. 105, 106).<sup>1</sup>

The defendant was sentenced on February 27, 2009, for an offense committed on August 13, 2008. (Doc. No. 91: Judgment at 1). He asks to be re-sentenced based on amendments to the guidelines that became effective November 1, 2010. Those changes are designated as Amendment 748. USSG Supp. at 36 (Nov. 1, 2010). However, USSG §1B1.10(c), which lists amendments to be applied retroactively, has not been changed to include Amendment 748. Accordingly, the defendant is not eligible for a sentence reduction.

**IT IS, THEREFORE, ORDERED** that the defendant's motions are **DENIED**.

Signed: December 1, 2010



Robert J. Conrad, Jr.  
Chief United States District Judge



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<sup>1</sup> The same motion was filed twice.